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10/021,306	10/29/2001	Gilad Menashe	017900-002400US	9361

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

10/021,306

Applicant(s)

MENASHE, GILAD

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Status of Claims:

Claims 1-37 are pending. Claims 1-37 are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "wherein the first sequence of elements represents an ordered list of elements where each element is from a predetermined set of elements." The skilled artisan would not be able to make and use the invention because the manner and process of making "a predetermined set of elements" is not described in clear, concise and exact terms in the specification. The most particular reference in the specification to "a predetermined set of elements" is the following:

[0032] FIG. 3 illustrates a method for composing a resilient query definition related to a given document. In step S300, a set of stable elements are selected from the document. The stable elements may be, for example, a predetermined set of stable elements or a set of stable elements that a user has selected. Preferably, a set of stable elements includes elements that will be unlikely to be removed or added in HTML code for a web page that includes changing content. However, a set of stable elements may be any set of elements either located in the document or a set of elements known in the art that may or may not be located in the

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document. For example, experience may show that most web pages have a constant number of TABLE, FORM, and DIV tags, and these tags are usually stable, even for pages with frequently changing content.

The specification merely provides several examples of what the predetermined set of elements may comprise and thus does not enable the ordinarily skilled artisan to produce a predetermined set of elements. Furthermore, “predetermined set of elements” appears to be based upon unspecified user’s choice.

Claim 1 recites “method for searching for a desired element in a document using a first sequence of elements from a related document.” The skilled artisan would not be able to make and use the invention because the manner in which the “desired element” is connected to the “first sequence of elements” and the manner in which the “desired element” is connected to the “related document” is not described in clear, concise and exact terms in the specification.

Claim 1 recites “generating one or more search queries from the first sequence of elements.” The skilled artisan would not be able to make and use the invention because the manner and process of “generating one or more search queries from the first sequence of elements” is not described in clear, concise and exact terms in the specification. Furthermore, the manner in which the search query in the related document is connected to the desired element in the first document is not described in the specification in clear, concise and exact terms.

Claim 1 recites “comparing the second sequence of elements with the one or more search queries to produce one or more comparison results.” The skilled artisan would not be able to make and use the invention because the manner and process of “comparing the second sequence of elements with the one or more search queries to produce one or more comparison results” is not described in clear, concise and exact terms in the specification.

Claim 1 recites “determining the desired element in the document from the one or more comparison results.” The skilled artisan would not be able to make and use the invention because the manner and process of “determining the desired element in the document from the one or more comparison results” is not described in clear, concise and exact terms in the specification.

Claim 1 recites “building a second sequence of elements from the document.” The skilled artisan would not be able to make and use the invention because the manner and process of “building a second sequence of elements from the document” is not described in clear, concise and exact terms in the specification. Furthermore, the connection of the “second sequence of elements from the document” to the desired element of the document is not described in the specification in a clear and concise manner such that the ordinarily skilled artisan can make and use the invention.

Claim 1 recites “method for searching for a desired element in a document using a first sequence of elements from a related document, wherein the document is related by an expected similarity.” The skilled artisan would not be able to make and use the invention because the manner and process of determining “the document is related by an expected similarity” is not described in clear, concise and exact terms in the specification.

Claims 10 and 27 recites “wherein determining the best match between the search query and the second sequence of elements comprises choosing a search query with a position of the desired element closest to a position of the desired element in the second sequence of elements as the best match.” The skilled artisan would not be able to make and use the invention because the manner and process of determining “a search query with a position of the desired element closest

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to a position of the desired element in the second sequence of elements as the best match” is not described in clear, concise and exact terms in the specification.

Claim 13 recites “further comprising searching for a target desired element based on the target desired element's relationship with the desired element.” The skilled artisan would not be able to make and use the invention because the manner and process of determining the relationship between the target element and the desired element is not described in clear, concise and exact terms in the specification.

Claims 18 and 35 include elements similar to claim 1 and are thus rejected for reasons similar to claim 1. Claims 19-34 and 36-37 are rejected for at least being dependent from a rejected base claim.

Art Rejection Precluded

Claims 10, 13 and 27 are rejected under 35 U.S.C. 112, first paragraph. No art rejection of above claims is provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 5-9, 11,12, 14-18, 22-26, 28-35 are rejected under 35 U.S.C. 102(e) as being anticipated Pub No US 2003/0028512 issued to Stensmo, as best examiner is able to ascertain.

Claims 1, 18, 31 and 35:

Stensmo discloses a method for searching for a desired element in a document using a first sequence of elements [context windows created around each word in each document, par 15] from a related document, wherein the document is related by an expected similarity, wherein the first sequence of elements represents an ordered list of elements where each element is from a predetermined set of elements, the method comprising:

- (a) building a second sequence of elements from the document [context windows created around each word in each document, par 15], wherein the second sequence of elements represents an ordered list of elements where each element is from the predetermined set of elements;
- (b) generating one or more search queries from the first sequence of elements [finding relevant search results, par 16];
- (c) comparing the second sequence of elements with the one or more search queries to produce one or more comparison results [statistical evaluation, par 17]
- (d) determining the desired element in the document from the one or more comparison results [query expansion, par 17].

Claims 5 and 22:

Stensmo discloses further comprising performing at least steps (b), (c), and (d) a plurality of times to determine the desired element [par 107].

Claims 6 and 23:

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Stensmo discloses wherein determining the desired element from one or more comparison results comprises determining the desired element from an exact match between a search query and the second sequence of elements [par 9].

Claims 7 and 24:

Stensmo discloses wherein determining the desired element from one or more query results comprises determining a best match between one or more search queries and the second sequence of elements [par 13].

Claims 8 and 25:

Stensmo discloses wherein determining the best match between the search query and the second sequence of elements comprises counting a number of matches per element for each search query and the second sequence of elements [par 15].

Claims 9 and 26:

Stensmo discloses wherein determining the best match between the search query and the second sequence of elements comprises choosing the search query with a highest number of matches as the best match [par 18].

Claims 11 and 28:

Stensmo discloses further comprising constraining an element in the predetermined set of elements with an attribute associated with the element [context words, par 13].

Claims 12 and 29:

Stensmo discloses wherein searching the document for elements in the predetermined set of elements comprises searching for the constrained element and the attribute associated with the constrained element in the document [par 12].

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Claims 14, 30 and 32:

Stensmo discloses storing the second sequence of elements [Fig 1, 25, 27, par 37]

Claim 15:

Stensmo discloses wherein the predetermined set of elements comprises stable elements [Fig 1, 25, 27, par 37]

Claims 16 and 33:

Stensmo discloses wherein the first and second sequences of elements comprise characters representing elements in the predetermined set of elements [par 37].

Claim 17 and 34:

Stensmo discloses wherein the document comprises an HTML document [par 34].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 19-21, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stensmo in view of Pub No US 2002/0156778 issued to Beeferman (hereafter Beeferman).

Claims 2, 3, 19, 20, 36 and 37:

Stensmo discloses the elements of claim 1 as noted above.

Stensmo fails to disclose wherein determining one or more search queries from the first sequence of elements comprises determining a tolerance level and using the tolerance level to determine the one or more search queries.

Beeferman discloses wherein determining one or more search queries from the first sequence of elements comprises determining a tolerance level and using the tolerance level to determine the one or more search queries [par 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stensmo to include wherein determining one or more search queries from the first sequence of elements comprises determining a tolerance level and using the tolerance level to determine the one or more search queries as taught by Beeferman for the purpose of determining whether to do the text search for the phrase as a whole or to perform the text search for each word [par 5]. The ordinarily skilled artisan would have been motivated to improve the invention of Stensmo by including a predetermined threshold so that more accurate search results can be obtained by searching for words in a sequence up to a threshold [par 2].

Claims 4 and 21:

Beeferman discloses determining a new tolerance level if the desired element cannot be determined from the one or more comparison results; and building the one or more search queries of a length equal to the new tolerance level [determining a metric, par 4].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

September 21, 2004


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